

Class: UP/I 034-03/17-01/016
Reg.no: 580-10/76-2018-016
Zagreb, 14 December 2017

Croatian Health Insurance Fund

- List of medical devices as a constituent part of the Ordinance on orthopaedic medical devices and other medicinal supplies

Opinion

Case summary:

Within the preliminary market investigation in the supply of Medtronic accessories for insulin pumps in the case UP/I 034-03/17-01/016 the Croatian Competition Agency (CCA) analysed the List of medicinal devices as a constituent part of the Ordinance on orthopaedic medical devices and other medicinal supplies.

The CCA found in its opinion that the data relating to the column entitled “Agent and/or distributor for Croatia or manufacturer in Croatia” as currently being interpreted by the Croatian Health Insurance Fund (CHIF) may have anticompetitive effects in the medical devices distribution. Therefore, the CCA proposed to the CHIF to revise and/or reinterpret the data concerned so as to also include sub distributors (licensee, reseller or agent) of the products in question that are authorised by their manufacturers and/or distributors and/or agents for Croatia to deal with the products concerned.

In the explanation to the opinion the CCA noted that the purchase of the relevant products from third parties, and not directly from the manufacturer and distributor, is a normal commercial practice, given that the majority of the registry holders are not engaged in wholesale in Croatia and the purchase of the products concerned may be made exclusively from sub distributors.

Taking everything into account, the CCA proposed the revision of the current interpretation and practices by the CHIF with the objective of eliminating the anticompetitive effects in the pharmacies’ market that consequently harm the consumers.